

Attorney Docket No: P-4298.P1C1

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JUL 05 2006RemarksThe Invention

The present invention relates to methods of measuring dendritic cell function in which a sample first is contacted with a dendritic cell activator, dendritic cell-distinguishing antibodies, and antibodies that recognize an activation marker, and then is analyzed by flow cytometry. The activation marker may be either an intracellular marker or a cell-surface marker. Claims drawn to embodiments in which activation of the dendritic cells is measured using antibodies that recognize an intracellular activation marker were issued in the parent case, U.S. Serial No. 09/158,406, now issued as U.S. Patent No. 6,495,333. In the present continuation application, Applicants pursue patent protection for embodiments in which activation of the dendritic cells is measured using antibodies that recognize a cell-surface activation marker.

Status of the Claims

Claims 1-18 are pending.

Claims 1-18 are subject to a restriction requirement.

The Restriction Requirement

Examiner identified the following two inventions:

- Group I, claims 1-16, drawn to flow cytometric method of measuring dendritic cell function in whole blood by assaying for intracellular antigens that indicate dendritic cell function.
- Group II, claims 17 and 18, drawn to flow cytometric method of measuring dendritic cell function in whole blood by assaying for cell surface markers that indicate dendritic cell function.

Applicants elect, without traverse, the invention of Group II, claims 17 and 18, for continued prosecution.

Applicants point out that claims corresponding to Group I were issued in the parent case, U.S. Serial No. 09/158,406, now issued as U.S. Patent No. 6,495,333.

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Amendments to the Specification

Applicants have amended the specification to correct and update the claim to priority. The amendment to the specification does not introduce new matter. Applicants request entry of the amendment to the specification into the record.

Amendments to the claims

Applicants have canceled claim 1-16 in view of the election of claims to Group II.

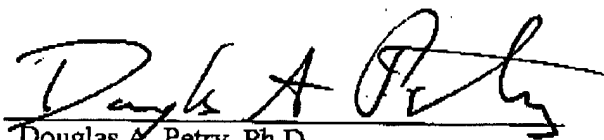
Applicants have added new claims 19-32, which depend directly or indirectly from claim 17. Claims 19-22 further specify the dendritic cell activator used in claim 17, step (a), as described in the specification at, for example, page 26, line 27, through page 27, line 6, and in example 4. Claims 23-32 further specify the dendritic cell distinguishing antibodies used in claim 17, step (b), as described in the specification at, for example, at page 25, line 20, through page 26, line 18, and in the examples.

Applicants point out, as described above, that the present methods are analogous to those claimed in the issued parent case, U.S. Patent No. 6,495,333, but differ in the marker (cell-surface versus intracellular) used to detect dendritic cell activation. New dependent claims 19-32 recite the same limitations recited in dependent claims 5-18 of the issued parent case.

The amendments to the claims do not introduce new matter. Applicants request entry of the amendments to the claims into the record.

Respectfully submitted,

7/05/06
Date


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